

MONTANA LEGISLATIVE HISTORY

Chapter 292 1977

Bill H 468 S _____

Original bill & history ✓ c

H. Committee on Labor & Empl.

Hearing Date(s) _____ c

2/2 ✓ c

_____ c

_____ c

Date Out 2/2 ✓ c

S. Committee on Labor & Empl.

Hearing Date(s) _____ c

2/21 ✓ c

_____ c

_____ c

2/21 ✓

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

1 *House* BILL NO. *468*
 2 INTRODUCED BY *Kelly Mular Gilligan*
 3 *By request of Dept. of Highways and Transportation*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 32-2143, R.C.M. 1947, PROVIDING A PENALTY FOR RECKLESS
 6 DRIVING WHICH RESULTS FROM AN ATTEMPT TO FLEE OR ELUDE A
 7 POLICE OFFICER."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 32-2143, R.C.M. 1947, is amended to
 11 read as follows:

12 "32-2143. Reckless driving. (a) Any person who drives
 13 any vehicle in willful or wanton disregard for the safety of
 14 persons or property is guilty of reckless driving.

15 (b) Every person convicted of reckless driving shall
 16 be punished upon a first conviction by imprisonment for a
 17 period of not more than ninety (90) days, or by fine of not
 18 less than twenty-five dollars (\$25.00) nor more than three
 19 hundred dollars (\$300.00), or by both such fine and
 20 imprisonment, and on a second or subsequent conviction shall
 21 be punished by imprisonment for not less than ten (10) days
 22 nor more than six (6) months, or by a fine of not less than
 23 fifty dollars (\$50.00) nor more than five hundred dollars
 24 (\$500.00), or by both such fine and imprisonment.

25 (c) Each person convicted of reckless driving arising

1 from an attempt on his part to flee from or elude a police
 2 officer who was lawfully in pursuit and whose vehicle was at
 3 the time in compliance with the requirements of section
 4 32-21-132, shall be punished by imprisonment in the county
 5 or city jail for not less than ten (10) days nor more than
 6 six (6) months, to which may be added, at the discretion of
 7 the court, a fine of not less than three hundred dollars
 8 (\$300) nor more than five hundred dollars (\$500). On a
 9 second or subsequent conviction he shall be punished by
 10 imprisonment for a term of not less than thirty (30) days
 11 nor more than one (1) year to which may be added at the
 12 discretion of the court a fine of not less than five hundred
 13 dollars (\$500) nor more than one thousand dollars (\$1,000).

14 ~~(e)~~ (d) Each and every municipality in this state is
 15 hereby given authority to enact the foregoing paragraphs
 16 (a), and (b), and (c) of this section as an ordinance, and
 17 is hereby given jurisdiction of the enforcement of said
 18 ordinance and of the imposition of the fines and penalties
 19 therein provided."

-End-

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

February 21, 1977

The eighteenth meeting of the Labor and Employment Relations Committee was called to order by Chairman Lee on the above date in Room 402 of the State Capitol Building at 9:30 a.m.

ROW CALL: All members present with Senator Lowe and Senator Richard Smith excused.

CONSIDERATION OF HB 468: An act to provide that Workers' Compensation Insurers are excepted from fictitious group provisions and need not have commission approval of group rates.

Representative Howard Ellis, District 93, Chief Sponsor of the bill, introduced HB 468 to the committee. This bill is to allow small industry loggers to form groupings of independant loggers and form an association and take on Workers' Compensation insurance on a private sector. Through groupings, extensive safety programs can be administered to the smaller operators who at the present are not receiving benefits of a safety consultant. Without safety programs their loss ratios would increase. Norman Grosfield Workers' Compensation Division, said they approved of this program. They will still be under the safety programs in the state. This bill will also open the door to the private sector.

Ernie Post, representing Montana State AFL-CIO, appeared in support of HB 468. It will correct a problem that is now in the timber industry, but also apply to the other groups that join together to receive a group rate for their insurance. This bill will provide for greater safety, small employers will be able to join together to get more insurance. It is a good bill.

Gnereal discussion was then held by the committee. More safety programs is what is important. They want individaul safety programs so they will be able to compete.

Senator Blaylock made a motion that HB 468 BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 444: An act to establish a deadline for issuing findings of fact and orders on unfair labor practice charges.

Representative Estenson, District 32, Chief Sponsor of this bill, introduced HB 444 to the committee. The fiscal note was not attached to the original bill when it passed 2nd and 3rd readings in the House. It was requested but did not come in time. The reason for the fiscal note is because the Board of Personnel Appeals

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/21

NAME	PRESENT	ABSENT	EXCUSED
Senator Robert Lee, Chairman	✓		
Senator Bill Lowe, Vice Chairman			✓
Senator Chet Blaylock	✓		
Senator Pat Goodover	✓		
Senator Matt Himsl	✓		
Senator Sandy Mehrens	✓		
Senator Harold Nelson	✓		
Senator Richard Smith			✓

February 2, 1977

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the House Labor and Employment Relations Committee was held on Wednesday, February 2, 1977 on adjournment of the House in Room 428A of the State Capitol. All members were present.

The first bill to be heard was HOUSE BILL 406. The sponsor was Vice-Chairman Williams. This is a companion to HOUSE BILL 245, which was heard on January 24, 1977 by this committee and given a DO PASS recommendation. This bill will conform with the recent changes in the federal unemployment compensation laws. There were no other proponents; however, representatives from the Department of Labor were present and available for questions.

There were no opponents to HOUSE BILL 406. There were no questions. The hearing on HB 406 was closed.

HOUSE BILL 468, sponsored by Rep. Ellis, was then heard. This bill would help the logging industry to get a break on their unemployment insurance. The first proponent to speak was Gerald Neils, Montana Logging Association. At present they are unable to get group rates on their insurance. The major benefit to be achieved by the legislation would be the expertise that the carriers could bring to the logging contractors in the manner of safety programs; through this act they will be able to put into play a safety program. James J. Kozak, Loggers Association, then spoke, stating that currently Montana has only two safety consultants, and the problem is that they are only able to get to the larger loggers, while the smaller ones are the ones with the problems. At the present time, the Association doesn't have the money, expertise, or individuals available to approach all of these small companies. If there are less losses the insurance rates will go down. Ernie Post, Staff Representative for the Montana State AFL-CIO, stressed that this bill will enable the smaller operators to join together.

The only opponent to speak was Boyce Clark, Legislative Counsel for the Independent Insurance Agents of Montana; see prepared statement.

Rep. Ellis then closed, pointing out that the State Auditor Sonny Omholt was in complete accord with the bill, as was Norman Grossfield, Worker's Comp. Division of the Department of Labor. Questions were then asked. The hearing was then closed.

HOUSE BILL 429 was heard. Rep. Porter as chief sponsor expressed his support of the bill and turned the testimony over to the co-sponsor, Rep. Ramirez. The term "stoppage of work"

February 2, 1977

choose not to consider that as voluntary unemployment then those people will still be entitled to benefits. Mr. Murry stressed that the court decision was based on the "work stoppage" provision of the law. Rep. Teague suggested that if on page 4, line 2 of the bill after the word "dispute", the words "with the exception of a lockout" were added, then the bill might be acceptable. Mr. Murry feels that the law already provides this type of protection as it stands. The sponsor asked a question of Fred Barrett - "Has the U. S. Department of Labor taken a stand on this kind of problem?" He replied that this bill is patterned after what the Department's Legislative Audit Committee stated. In answer to a question asked by Rep. Williams, Mr. Kansier guessed that about 1% or less of Compensation funds had been expended on strikers in the past. The hearing was closed.

The committee then went into executive session and considered the following bills:

HOUSE BILL 429 - Rep. Baeth moved that it DO NOT PASS, and Rep. Williams seconded the motion. Rep. Ellerd moved as a substitute motion that it DO PASS AS AMENDED. (A typographical error had been made in the title of the bill and this was the only amendment suggested.) Rep. Porter seconded the substitute motion. Discussion took place and the question was called for. The motion of DO PASS AS AMENDED failed 6 to 7 on a roll call vote. The original motion was then before the committee and it was mutually agreed upon to reverse the vote on the previous motion. HOUSE BILL 429 received a DO NOT PASS recommendation, as a result.

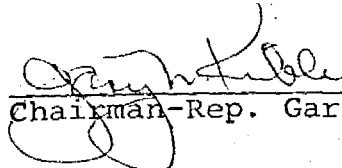
HOUSE BILL 406 was given a DO PASS motion by Rep. Lynch. Rep. Baeth seconded the motion; motion carried with Reps. Ellerd and Wyrick opposed.

HOUSE BILL 468 was given a DO PASS motion by Rep. Baeth, seconded by Rep. Kanduch. Motion carried unanimously.

HOUSE BILL 370 - Rep. Lynch moved that it DO NOT PASS; Rep. Dassinger seconded it. Motion carried with Reps. Ellerd, Wyrick, Turner, Sivertsen, Kanduch and Porter opposed.

HOUSE BILL 420 - Rep. Ellerd moved that it DO NOT PASS. Rep. Lynch seconded the motion. Rep. Ellerd then withdrew his motion, at which time Rep. Lynch moved that it DO NOT PASS. Rep. Baeth seconded Rep. Lynch's motion. Rep. Lynch explained that his main objection was that this bill would eliminate many construction workers unless the 1 1/2 times provision were changed to 2 times. Rep. Kanduch made a substitute motion to put this bill into a subcommittee and Rep. Teague seconded the motion. Question was called for and the motion carried with Reps. Brand and Dassinger opposed. Reps. Kanduch, Lynch and Ellerd were assigned to the subcommittee.

The meeting was then adjourned.


Chairman-Rep. Gary N. Kimble

Secretary

HOUSE BILL NO. 468

INTRODUCED BY ELLIS, AAGESON, CURTISS, STOBIE,
BERTELSEN, MARKS, HANSEN, KANDUCH, TOWER, BRAND,
WALDRON, DUSSAULT, HAND, EUDAILY, HURWITZ,

SCULLY, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
40-3520, R.C.M. 1947, TO PROVIDE THAT WORKERS' COMPENSATION
INSURERS ARE EXCEPTED FROM FICTITIOUS GROUP PROVISIONS AND
NEED NOT HAVE COMMISSION APPROVAL OF GROUP RATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-3520, R.C.M. 1947, is amended to
read as follows:

"40-3520. Fictitious groups. (1) No insurer, whether
an authorized insurer or an unauthorized insurer, shall make
available through any rating plan or form, property,
casualty or surety insurance to any firm, corporation, or
association of individuals, any preferred rate or premium
based upon any fictitious group of such firm, corporation,
or association of individuals.

(2) No form or plan of insurance covering any group or
combination of persons or risks shall be written or
delivered within or outside this state to cover persons or
risks in this state at any preferred rate or on any form

other than as offered to persons not in such group or
combination and to the public generally, unless such form,
plan of insurance, and the rates or premiums to be charged
therefor have been submitted to and approved by the
commissioner as being not unfairly discriminatory, and as
not otherwise being in conflict with subsection (1) above or
with any provision of chapter 36 of this title (rates and
rating organizations) to the extent that such chapter 36 is,
by its terms, applicable thereto.

(3) This section does not apply to life insurance,
disability insurance, workers' compensation insurance
WRITTEN FOR INDUSTRY OR BUSINESS ASSOCIATIONS, or annuity
contracts. HOWEVER, WORKERS' COMPENSATION GROUP INSURANCE
RATES ARE SUBJECT TO ALL APPLICABLE PROVISIONS OF TITLE 40,
CHAPTER 56."

-End-

REFERENCE BILL

-2-

HB 468